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A TREATISE ON THE LAW OF REAL PROPERTY. By ALFRED G. REEVES. Boston: LITTLE, BROWN & Co., 1909. 2 vols. Vol. I, pp. cxxiv, 1 to 788; Vol. II, pp. v, 789 to 1659.

These volumes are the fulfillment of a hope expressed by the author some five years ago at the time of publishing his treatise on "Special Subjects" in the law of Real Property, that he might be able to enlarge it into a work covering all the heads usually included in the larger topic. The present work will add to the writer's deserved reputation because of the excellence of the earlier work, and will increase the obligation of students and teachers for the industry and skillful handling of the intricate and voluminous material dealt with in preparing this larger work. The author submits his product as of service to student and practitioner. How far can he justly be said to expect the approval of these different readers? On the one hand he undertakes to provide an elementary treatise, and on the other to supply the practitioner with an organized body of authorities.

The writer of a book for students should have clear ideas, a wide and deep knowledge, and a simple, lucid style. It should contain a statement of fundamental principles, unencumbered with provisos, exceptions and qualifications. The principles should be tested by and illumined with a fund of simple illustrations. And these principles should not be an aggregation of *disjecta membra*, but should be welded together and harmonized by the intelligent comment that has its source in wide knowledge and careful thinking. For the student, then, a book should be simple, lucid and sound. We believe that Professor Reeves' book satisfies these requirements in a high degree.

Whether the book will receive equal praise from the practitioner is less certain. The lawyer demands, under our debased standards, a collection of all the authorities arranged according to the technical usages of the profession. Here classification and completeness of citation are emphasized. To be sure the number of citations in these volumes exceeds thirteen thousand. But the cases are selected and not exhaustive. Nor has Professor Reeves undertaken to formulate the body of real property law common to the several United States. And in this will be found the unique merit of his work.

Building upon the common law of England as a basis, with the aid of the case and statute law of New York as a type, the author has undertaken to give to the lawyer as well as the student a sufficiently full and accurate treatment of the topic to be of practical as well as theoretical service. Certainly the work will be of value to the lawyers of this State; we believe it will be of service generally.

Whether all will agree with Professor Reeves' conclusions seems immaterial in view of the frankness and directness with which they are set forth. The important thing is that we have a simple exposition of one of the most intricate topics in the law.

Here and there one notes a trifling misstatement, as that the vendee of land is a trustee of the purchase price for the vendor (page 84), and, as we understand him, that the right of entry of a disseized particular life tenant will not support a contingent remainder (page 1187). Nor do we consider his discussion of Tyrrel's case and the doctrine of *scintilla juris* quite satisfactory, although excellent and supported by authority, (see

§§ 303, 304 and 919). The enforcing of the second use in the former case or the shifting use in connection with the theory of *scintilla juris* is more due to a late but enlightened chancery doctrine that it was unconscientious not to compel the legal owner to perform the obligations he had undertaken. (See Ames. *Tyrrel's Case*, Vol. 2, *Anglo-Am. Essays*, p. 747.)

But these are mentioned as illustrations of statements as to which there may be disagreement, and not by way of censure of an admirable work.

N. A.

SELECT ESSAYS IN ANGLO-AMERICAN LEGAL HISTORY. By VARIOUS AUTHORS. Boston: LITTLE, BROWN & Co., 1909. Vol. III, pp. viii, 862.

With this volume the editors and publishers complete a work, upon which they have been engaged for a number of years; and a work which cannot fail of appreciation by every studious member of the bar. A rather unique feature of this work consists in its being more extensive than it was advertised to be. Instead of giving the subscriber fewer essays than he was promised, the editors have given him more. This is due, apparently, not so much to sheer generosity on the part of the publishers and editors, as to the fact that important contributions to legal history have been made, while the work has been in progress. We take a special pleasure in noting one of this class of essays, inasmuch as it first appeared in this REVIEW—"The Early History of Insurance Law"<sup>1</sup>—and in commending it to every one who has any interest in the topic.

In comparing this volume with its predecessors in the series, the reader's attention will be arrested by the fact that it contains a much larger number of articles than either of the others. Thirty topics are here treated as against twenty-one in volume first and twenty-five in volume second. As a result of this greater variety of subjects, this volume would probably possess for the average lawyer greater interest than either of the former volumes, were the subjects of equal interest when considered separately. But, in our judgment, the essays on "Commercial Law," "Contracts" and "Torts" have the advantage of dealing with subjects which are of the highest importance and concern not only to members of the bar, but to laymen who have occasion to investigate legal questions. We agree with the remark by the editors in the preface that "in this volume, the topics are all of concrete and vivid interest."

We are especially thankful to the editors for rescuing Mr. Cranch's historical sketch of "Promissory Notes Before and After Lord Holt," from the small type of a note in Cranch's Reports, and presenting it in proper dress and form, so that it may be available hereafter to every student of Negotiable Paper. It is a monument of well directed industry and a mine of legal learning. Another essay of great value to the legal student, which is reproduced in this volume, is Dean Wigmore's "Responsibility for Tortious Acts: Its History." It is a thorough and careful piece of work, and shows how much safer and saner results are obtained by the employment of the historical method than by brilliant speculation.

Our particular reference to these two contributions was not for the purpose of making an invidious comparison between them and the other essays, for not a few of the others are as meritorious as these; and the book as a whole is of the highest value. Now that the series is complete,

<sup>18</sup> COLUMBIA LAW REVIEW 1.